REMARKS

ALLOWABLE MATTER AND
CLAIM REJECTIONS UNDER 35 U.S.C. § 103

The Office Action at page 9 indicates that claims 2, 5, 8, 11, 14, and 17 contain allowable subject matter. In response, Applicants have amended independent claim 1 to include the allowable subject matter of claims 2 and 5. Applicants have amended independent claim 7 to include the allowable subject matter of claims 8 and 11. Applicants have amended independent claim 13 to include the allowable subject matter of claims 14 and 17. Although the Office Action at page 4 rejects claims 1, 7, and 13 and their respective dependent claims under 35 U.S.C. § 103, Applicants submit that the current amendments overcome these rejections because claims 1, 7, and 13 and their respective dependent claims now contain allowable subject matter. In light of the current amendments, Applicants respectfully traverse individually the rejections of claims 1, 7, and 13 and their respective dependent claims.

CLAIM REJECTIONS – 35 U.S.C. § 101

The Office Action at page 2 rejects claims 13-18 under 35 U.S.C. § 101 "because the preamble and body of claim 13 is a computer program product containing a set of program instructions." Applicants respectfully note in response that claims 13-18 are directed to computer program products, articles of manufacture within the meaning of 35 U.S.C. § 101. A computer program product as an article of manufacture clearly lies within the meaning of *In re Beauregard* where the Commissioner of Patents and Trademarks stated "that computer programs embodied in a tangible medium, such as floppy diskettes, are patentable subject matter under 35 U.S.C. 101…." *In re Beauregard*, 53 F.3d 1583 (Fed. Cir. 1995). Moreover, the patent literature is filled with many, many allowed and issued claims for such computer program products—all of which are well within the scope of 35 U.S.C. § 101. It is therefore improper to reject

claims 13-18 on the basis that these claims are directed to a computer program product containing a set of program instructions. Applicants respectfully traverse the rejections individually and request that the rejections of claims 13-18 be withdrawn.

CLAIM REJECTIONS – 35 U.S.C. § 112, FIRST PARAGRAPH

The Office Action at page 3 rejects claims 1, 7, and 13 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement stating:

> The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The "context" and "shortcut" do not support clearly in the specification. Applicants are advised to amend the claim in a language that supports in the application specification and helps one of ordinary skill in the art to understand the step of invention.

That is, the Office Action asserts that the terms 'context' and 'shortcut' are not described in the specification in compliance with 35 U.S.C. § 112, first paragraph. Applicants respectfully submit in response, however, that the present claims fully comply with § 112. The first paragraph of § 112 requires that the specification contain a written description that enables a person skilled in the art to make and use the invention. In response, Applicants respectfully note that the terms 'context' and 'shortcut' are described in the specification in a manner that enables a person skilled in the art to make and use the invention. Applicants have provided a 26 page specification, including 3 pages of Figures, to aid those skilled in the art in understanding Applicants claims. Here is an example of description of 'context' and 'shortcut' that begins at page 9, line 16, in the present application:

> In exemplary embodiments of the kind illustrated in Figure 2, the context typically includes an initial context value. Such embodiments typically include assigning (218), in response to user input through the user interface, a new context value to the context, and repeating, in response to user input from the user interface, the steps of assigning (218) a new context value, inferring (236) a context table name and a context field

name, creating (220) a query, selecting (232) records, and downloading (234) selected records.

User input through a user interface is implemented in various alternative ways across embodiments. Some embodiments implement user input through touch sensitive areas on PDAs, the touch sensitive areas being the kind sometimes referred to as 'graffiti areas.' In such embodiments, a shortcut is often implemented as a small set of stylus motions on a touch sensitive area of a PDA, in which the small set of stylus motions represents a longer set of keystrokes. For example, one kind of embodiment utilizes such small sets of stylus motions, 'graffiti shortcuts,' to indicate represent a context (204) in situations where typing the context would require many more keystrokes or stylus motions than is required by the graffiti shortcut.

Other embodiments utilize "hot keys," single or short multiple keystroke combinations representing longer combinations of keystrokes. For example, one embodiment utilizes the left and right arrow keys to indicate changes of context, the right arrow key incrementing the context (204) to the next higher value and the left arrow key decrementing the context. Other embodiments utilize graphical user interface (GUI) objects to effect user input. For example, some embodiments utilize GUI slider bars to indicate changes of context (204).

From the user's point of view, utilizing shortcuts as abbreviated forms of user input effects efficient access to data from the information management database. If, for example, context (204) is set to "date," from which is inferred (236) a context table name (238) of "calendar" and a context field name (240) of "date," context (204) is set by default to a beginning date such as "today," a shortcut (210) entry indicates "locations," a shortcut field name set (212) includes fields describing locations such as address, city, state, zip code, and a slider bar indicates changes in context, then a user has the experience of seeing as the user moves the slider bar, as a result of record selections (232) and downloads (230), a changing display of calendar event locations entered in the calendar on a sequence of dates. Moving the slider bar in the 'future' direction will rapidly or slowly, at a pace determined by the user's rate of motion of the bar, display a sequence of, for example, meeting or appointment locations, where the user has calendared meetings or appointments in future days, weeks, or months. Moving the slider bar in a 'past' direction displays a sequence of, for example, meeting or appointment locations, where the user calendared meetings or appointments in past days, weeks, or months.

Here is a further example of description of 'context' and 'shortcut' that begins at page 11, line 25, in the present application:

> Selecting (260) display forms is accomplished in dependence upon shortcut value (210). That is, if, for example, in a "time" context, the shortcut value indicates "location," then typically in such embodiments a display form is selected that will appropriately support the display of fields indicating locations, such as, for example, forms containing display arrangements for street addresses, post office boxes, suite numbers, floor numbers, apartment numbers, cities, states, mail codes, country codes, and so on. If, for another example, in a "location" context, the shortcut value indicates "date," then typically in such embodiments a display form is selected to appropriately support the display of fields from calendar entries, such as, for example, date and beginning time and ending time of a scheduled meeting or appointment, names and affiliations of attendees or invitees, and so on.

Here is a still further example of description of 'context' and 'shortcut' that begins at page 15, line 8, in the present application:

> Additional examples illustrate the effect of a change in context on the meaning of a shortcut. In the example shortcut definitions records (316) in Figure 4, there are two shortcuts named "location," one for "time" contexts and on for "contacts" contexts. In this exemplary embodiment, when the context is set to "time" and the shortcut entered by the user is the shortcut for "location," the shortcut fields are the fields storing date, time, street address, city, and state of an appointment or meeting; the context table name is "Calendar," the context field name is "Street Address;" the relational operator is "=", and the context is the first calendar entry in the calendar file. With these inputs, the create function (220) creates a query of the following exemplary form:

> > SELECT Date, Appt_Begin_Time, Street, City, State
> > FROM Calendar
> > WHERE Street = Street Value From First Record In Calendar File

> Similarly, when the context is set to "when the context is set to "contacts" and the shortcut entered by the user is the shortcut for "location," that is, the same shortcut as in the example just above, then the shortcut fields are the fields storing last name, first name, street address, city, and state of a contact; the context table name is "Address_Book;" the context field name is "LastName;" the relational operator is "=", and the context is the first

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calendar entry in the Address_Book file. With these inputs, the create function (220) creates a query of the following exemplary form:

> SELECT LastName, FirstName, Street, City, State
> FROM Address_Book
> WHERE LastName = LastName Value From First Record In Address_Book

These last two examples show that the semantics of a shortcut change with changes in context. In the embodiment illustrated in Figure 3, for example, the shortcut representing "location," changed meaning when the context changed from "time" to "contacts." In the user interface, the shortcut is implemented as a short keystroke combination such as, for example, Alt-L. Alternatively, the shortcut is implemented in the user interface as a custom graffiti shortcut, a few stylus strokes representing "location." The shortcut is implemented in the user interface across embodiments in many ways that will occur to those of skill in the art, all such ways being well within the scope of the present invention.

In the present example, the meaning of the shortcut for "location" changed from context to context. In the "time" context, the semantics for the "location" shortcut are effectively, "Display time and places where the user has or had appointments or meetings." In the "contacts" context, for the exact same shortcut, "location," the semantics changed to, "Display names and addresses of persons known to the user." Thus the meaning of shortcuts changes with context, and the exact same shortcut in various embodiments has many meanings depending upon the number of contexts in which the shortcut is defined.

From only the exemplary excerpts of the specification above, those of ordinary skill in the art will recognize that a 'context' is the situational parameters or characteristics that dictate the semantics of a shortcut according to the present invention. Moreover, from the same exemplary excerpts of the specification, those of ordinary skill in the art will recognize a shortcut as an abbreviated form of user input such as, for example, a shortcut keystroke or a custom graffiti shortcut, that represents a multiplicity of user inputs such as, for example, a multiplicity of keystrokes or graffiti motions. In view of Applicant's specification, the words 'context' and 'shortcut' are sufficiently described in the specification in a manner that enables a person skilled in the art to make and use the invention. The Applicants, therefore, traverse the rejections individually to claims 1, 7,

and 13 under 35 U.S.C. § 112, first paragraph, and respectfully request the withdrawal of the rejections.

CLAIM REJECTIONS – 35 U.S.C. § 112, SECOND PARAGRAPH

The Office Action at page 3 rejects claims 1, 7, and 13 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention stating:

> Regarding claims 1, 7, and 13, the "context" and "shortcut" do not define well in by the claim language that let the examiner does not understand well the claimed invention…"

That is, the Office Action asserts that the claims are not in compliance with 35 U.S.C. § 112, second paragraph, because the terms 'context' and 'shortcut' are not defined in the claims. In response, however, Applicants respectfully note that whether claim terms are defined in the claims does not affect compliance with 35 U.S.C. § 112, second paragraph. Rather than authorizing examiners to simply looking to the claim language for definitions of claim terms, the U.S. Court of Appeals for the Federal Circuit has made it clear in *Phillips v. AWH Corp* that the Examiner is obligated to construe Applicants' claims in light of the specification. The Court in *Phillips* stated:

> The pertinence of the specification to claim construction is reinforced by the manner in which a patent is issued. The Patent and Trademark Office ("PTO") determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction "in light of the specification as it would be interpreted by one of ordinary skill in the art." *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 U.S.P.Q.2D 1321 (Fed. Cir. 2005) (en banc) (quoting *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004)).

Moreover, Applicants note that the MPEP § 2173.02 sets forth the standard for compliance with 35 U.S.C. § 112 stating that "…the examiner must consider the claim as a whole to determine whether the claim apprises one of ordinary skill in the art of its scope and, therefore, serves the notice function required by 35 U.S.C. 112, second

paragraph, by providing clear warning to others as to what constitutes infringement of the patent." MPEP § 2173 further explains, "Definiteness of claim language must be analyzed, not in a vacuum, but in light of: (A) The content of the particular application disclosure; (B) The teaching of the prior art; and (C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made."

The terms 'context' and 'shortcut' properly satisfy the definiteness requirement of 35 U.S.C. § 112, second paragraph, when analyzed in light of the factors from MPEP § 2173 above, including the Applicant's specification as required by the Federal Circuit in *Phillips v. AWH Corp.* Applicants have provided a 26 page specification, including 3 pages of Figures, to aid those skilled in the art in understanding Applicants claims. Furthermore, the excerpts from the specification provided above demonstrate that the terms 'context' and 'shortcut' are sufficiently definite to satisfy the requirements 35 U.S.C. § 112, second paragraph. The Applicants, therefore, traverse the rejections individually to claims 1, 7, and 13 under 35 U.S.C. § 112, second paragraph, and respectfully request the withdrawal of the rejections.

CONCLUSION

Claims 1, 3-4, 6, 7, 9-10, 12, 13, 15-16, and 18 stand rejected for obviousness under 35 U.S.C § 103(a) as unpatentable over Baquero, *et al.* (U.S. Patent No. 6,724,402 B1) in view of Farry (U.S. Patent No. 6,069,628). As amended in this paper, claims 1, 7, and 13 now contain allowable subject matter. In light of the present amendments, Applicants respectfully traverse individually the rejections of claims 1, 7, and 13 and their respective dependent claims.

Claims 13-18 stand rejected under 35 U.S.C. § 101 "because the preamble and body of claim 13 is a computer program product containing a set of program instructions." In light of the comments of Commissioner of Patents and Trademarks in *Beauregard*, it is improper to reject claims 13-18 on the basis that these claims are directed to a computer

program product containing a set of program instructions. Applicants respectfully traverse the rejections individually and request that the rejections of claims 13-18 be withdrawn.

Claims 1, 7, and 13 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement because the Examiner asserts that the terms 'context' and 'shortcut' are not adequately described in the specification. As demonstrated above, the terms 'context' and 'shortcut' are not adequately described in the specification so as to enable a person skilled in the art to make and use the invention. The Applicants, therefore, traverse the rejections individually to claims 1, 7, and 13 under 35 U.S.C. § 112, first paragraph, and respectfully request the withdrawal of the rejections.

Claims 1, 7, and 13 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention because the terms 'context' and 'shortcut' are not defined in the claims. In light of the specification, however, the terms 'context' and 'shortcut' are sufficiently definite to satisfy the requirements 35 U.S.C. § 112, second paragraph. The Applicants, therefore, traverse the rejections individually to claims 1, 7, and 13 under 35 U.S.C. § 112, second paragraph, and respectfully request the withdrawal of the rejections.
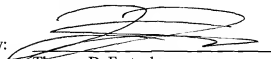
The Commissioner is hereby authorized to charge or credit Deposit Account No. 09-0447 for any fees required or overpaid.

Respectfully submitted,

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